

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ERIC J DUARTE,

Plaintiff,

v.

DEPARTMENT OF JUSTICE, et al.,

Defendant.

**Civil Action No.
23-cv-12677-FDS**

ORDER

SAYLOR, C.J.

On November 6, 2023, pretrial detainee Eric Duarte commenced this action by filing a civil complaint and a motion for leave to proceed *in forma pauperis*. He included with the motion a prison account statement covering the time period from March 5 through August 31, 2023.

On February 6, 2024, the Court denied the motion because Duarte had not included a “a certified copy of the trust fund account statement . . . for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(2). The Court ordered him to pay the fee or file a new *in forma pauperis* motion with the appropriate prison account statement. The Court stated that failure to comply with the order “will result in dismissal of this action.” (Docket No. 4).

On February 16, 2024, Duarte file a renewed motion for leave to proceed *in forma pauperis*. (Docket No. 6). Instead of providing prison account information for the six-month period immediately preceding the filing of this action (that is, from the end of April 2023 to the

end of October 2023), Duarte filed a prison account statement from BSH for the time period covering August 14, 2023 through February 14, 2024. (Docket No. 8).¹

Because Duarte did not comply with the Court's February 6, 2024 order, this action is DISMISSED without prejudice for failure to pay the filing fee.

So Ordered.

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court

Dated: March 25, 2024

¹ Duarte was not at BSH between August 14, 2023 and early November 2023. He was confined at the Norfolk County Correctional Center when he filed this action. (Docket No. 1). He was transferred to BSH on or about November 8, 2023. *See Duarte v. Norfolk County Sheriff's Office*, C.A. No. 23-11725-NMG (D. Mass.) (Docket No. 7).